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| 09/921,698 | 08/06/2001 | Shuntaro Aratani | 35.C15665 | 8038 |
| 5514 | 7590 | 12/15/2005 | EXAMINER | |
| FITZPATRICK CELLA HARPER & SCINTO | | | MANNING, JOHN | |
| 30 ROCKEFELLER PLAZA | | | ART UNIT | |
| NEW YORK, NY 10112 | | | PAPER NUMBER | |

2614

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/921,698 | ARATANI ET AL. | |
| | Examiner | Art Unit | |
| | John Manning | 2614 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>10/25/01</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7, 18-20, 23, 24-28, 30, 33-36, 38-39 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Muguet (US Pat No 4,787,063).

In regard to claim 1, Muguet discloses a system utilizing codes controlling a plurality of processes. The claimed limitation of "processing means, for performing processes related to multiple functions" is met by Figure 1 (See Col 3, Lines 48-67; Col 4, Lines 1-5). The claimed limitation of "allocation means, for allocating, to said multiple processes, different codes for performing said multiple processes" is met by the computer center (1) shown in Figure 1. "The computer center (1) includes a central processing unit and main or auxilliary memories. In the memories there are: 1. the computer programs or the set of instructions which describe the different methods of implementing the devices of the system, i.e., setting the devices together to work, and also the codes (A) used to identify and to establish a link between the interface (5) and the computer center (1); 2. the codes (B1) of the input language and the codes (B2) of output language of the interface (5); it will be shown further that, according to the layout of the interface (5), the codes (B1) and (B2) may be different; and 3. a data base (W) in which are stored information about the television or the radio programs for the next

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weeks. The information about a TV program includes the characteristics such as the channel number or frequency, the forecast start/stop time, and also, as a very interesting optional feature, the codes (F) which allows the identification of the real time start/stop broadcast (E) codes. The definition of the TV programs is carried out independently, by the computer center, and it is possible to define programs or subprograms in a way not found in the official time-tables of the television or radio companies" (Col 4, Lines 11-36). The claimed limitation of "control means, for controlling said processing means to perform said processes in accordance with the codes allocated by said allocation means" is met by Figure 1, Item 6. "The apparatus as afore-described can be implemented and used to help the user in his task of scheduling his appliance (6), most often a VCR. One way of helping the user is to make the access to the TV programs' information easier, and to make the process of selecting programs and scheduling programs almost simultaneous and with no additional operations" (Col 4, Lines 37-44). The claimed limitation of "wherein said allocation means allocates a predetermined code for a specific process of said multiple processes, and allocates a code, other than said predetermined code, for processes other than said specific process" is met by is met by the computer center (1) shown in Figure 1. "Following each kind of interface and model of videorecorder, the codes (B1), the computation (T1) and the result (c) would be different. It is also possible to prepare the computation in advance. Once every week, or every two weeks, with the help of a computer center (1), a preparatory step is to assemble and combine (T2 operation), as follows: 1. the whole data base (W) and, more precisely, the characteristics of the

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chosen programs, i.e., the channel references, the forecast start/stop hours, and, as a preferred option, the (F) identification codes; and 2. the codes (B1) of the input language which commands the interface (5) and the timer (7). The result of the computation (T2) is the set of (C) codes which can be appended to the data base (W)" (Col 5, Lines 16-31).

In regard to claim 2, the Muguet discloses that the codes change from program to program and with time (See Col 5, Lines 10-15).

In regard to claim 3, the disclosed set of codes defines the channel and the start and stop time of recording. The tune-to channel is the specific process and the start and stop time of recording is the process other than the specific process.

In regard to claim 4 and 5, Muguet discloses "setting means for setting the number of digits for a code composed of multiple numerical digits, wherein a code having said number of digits that is set is allocated for processes other than said, wherein said setting means is capable of setting, from among multiple sets of the numbers of digits, the number of digits for corresponding users" (See Col 13, Lines 4-44).

In regard to claim 7, different codes are assigned to a plurality of programs. Therefore, if one program is more popular than another, a unique code has been assigned for a program with high use frequency.

In regard to claim 18, Muguet discloses "protocol communication means for performing protocol communication with an external device, wherein said specific process includes a process for outputting to said display means, via said protocol

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communication means, information related to an operation panel used to operate said external device.” as seen in Figure 1. “The user may access, through his terminal (4) and the network (2), to the data base (W), and then, with the help of whatever good interrogation software, selects the TV programs he wants to record. The selections have to be made, while taking into account that there is no way to record two programs in the same time frame. The user forms a set (w) of the programs he wants to record.” (Col 4, Lines 43-51).

Claim 19 is met by that discussed for claim 1.

In regard to claim 20, Muguet discloses display means as Figure 1, Item 32.

In regard to claim 23, Muguet discloses a system utilizing codes controlling a plurality of processes. The claimed limitation of “allocating different codes to multiple processes related to multiple functions in order to perform said multiple processes” is met by the computer center (1) shown in Figure 1. “The computer center (1) includes a central processing unit and main or auxilliary memories. In the memories there are: 1. the computer programs or the set of instructions which describe the different methods of implementing the devices of the system, i.e., setting the devices together to work, and also the codes (A) used to identify and to establish a link between the interface (5) and the computer center (1); 2. the codes (B1) of the input language and the codes (B2) of output language of the interface (5); it will be shown further that, according to the layout of the interface (5), the codes (B1) and (B2) may be different; and 3. a data base (W) in which are stored information about the television or the radio programs for the next weeks. The information about a TV program includes the characteristics such as the

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channel number or frequency, the forecast start/stop time, and also, as a very interesting optional feature, the codes (F) which allows the identification of the real time start/stop broadcast (E) codes. The definition of the TV programs is carried out independently, by the computer center, and it is possible to define programs or subprograms in a way not found in the official time-tables of the television or radio companies" (Col 4, Lines 11-36). The claimed limitation of "processing means, for performing processes related to multiple functions" is met by Figure 1 (See Col 3, Lines 48-67; Col 4, Lines 1-5). The claimed limitation of "performing said multiple processes in accordance with said different codes allocated by said allocation means" is met by Figure 1, Item 6. "The apparatus as afore-described can be implemented and used to help the user in his task of scheduling his appliance (6), most often a VCR. One way of helping the user is to make the access to the TV programs' information easier, and to make the process of selecting programs and scheduling programs almost simultaneous and with no additional operations" (Col 4, Lines 37-44). The claimed limitation of "wherein, at said allocation step, a predetermined code is allocated for a specific process of said multiple processes, and a code, other than said predetermined code, is allocated for processes other than said specific process" is met by is met by the computer center (1) shown in Figure 1. "Following each kind of interface and model of videorecorder, the codes (B1), the computation (T1) and the result (c) would be different. It is also possible to prepare the computation in advance. Once every week, or every two weeks, with the help of a computer center (1), a preparatory step is to assemble and combine (T2 operation), as follows: 1. the whole data base (W) and,

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more precisely, the characteristics of the chosen programs, i.e., the channel references, the forecast start/stop hours, and, as a preferred option, the (F) identification codes; and 2. the codes (B1) of the input language which commands the interface (5) and the timer (7). The result of the computation (T2) is the set of (C) codes which can be appended to the data base (W)" (Col 5, Lines 16-31).

In regard to claim 24, the claimed limitation of "reception means for receiving a television signal" is met by Receiver 61 of Figure 1. The claimed limitation of "processing means, for performing processes related to multiple functions" is met by Figure 1 (See Col 3, Lines 48-67; Col 4, Lines 1-5). The claimed limitation of "allocation means, for allocating, to said multiple processes, different codes for performing said multiple processes" is met by the computer center (1) shown in Figure 1. "The computer center (1) includes a central processing unit and main or auxilliary memories. In the memories there are: 1. the computer programs or the set of instructions which describe the different methods of implementing the devices of the system, i.e., setting the devices together to work, and also the codes (A) used to identify and to establish a link between the interface (5) and the computer center (1); 2. the codes (B1) of the input language and the codes (B2) of output language of the interface (5); it will be shown further that, according to the layout of the interface (5), the codes (B1) and (B2) may be different; and 3. a data base (W) in which are stored information about the television or the radio programs for the next weeks. The information about a TV program includes the characteristics such as the channel number or frequency, the forecast start/stop time, and also, as a very interesting optional feature, the codes (F) which allows the

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identification of the real time start/stop broadcast (E) codes. The definition of the TV programs is carried out independently, by the computer center, and it is possible to define programs or subprograms in a way not found in the official time-tables of the television or radio companies" (Col 4, Lines 11-36). The claimed limitation of "control means, for controlling said processing means to perform said processes in accordance with the codes allocated by said allocation means" is met by Figure 1, Item 6. "The apparatus as afore-described can be implemented and used to help the user in his task of scheduling his appliance (6), most often a VCR. One way of helping the user is to make the access to the TV programs' information easier, and to make the process of selecting programs and scheduling programs almost simultaneous and with no additional operations" (Col 4, Lines 37-44). The claimed limitation of "wherein said allocation means allocates a predetermined code for a specific process of said multiple processes, and allocates a code, other than said predetermined code, for processes other than said specific process" is met by is met by the computer center (1) shown in Figure 1. "Following each kind of interface and model of videorecorder, the codes (B1), the computation (T1) and the result (c) would be different. It is also possible to prepare the computation in advance. Once every week, or every two weeks, with the help of a computer center (1), a preparatory step is to assemble and combine (T2 operation), as follows: 1. the whole data base (W) and, more precisely, the characteristics of the chosen programs, i.e., the channel references, the forecast start/stop hours, and, as a preferred option, the (F) identification codes; and 2. the codes (B1) of the input language which commands the interface (5) and the timer (7). The result of the

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computation (T2) is the set of (C) codes which can be appended to the data base (W)" (Col 5, Lines 16-31).

In regard to claim 25, the Muguet discloses that the codes change from program to program and with time (See Col 5, Lines 10-15).

In regard to claim 26, the disclosed set of codes defines the channel and the start and stop time of recording. The tune-to channel is the specific process and the start and stop time of recording is the process other than the specific process.

In regard to claim 27 and 28, Muguet discloses "setting means for setting the number of digits for a code composed of multiple numerical digits, wherein a code having said number of digits that is set is allocated for processes other than said, wherein said setting means is capable of setting, from among multiple sets of the numbers of digits, the number of digits for corresponding users" (See Col 13, Lines 4-44).

In regard to claim 30, different codes are assigned to a plurality of programs. Therefore, if one program is more popular than another, a unique code has been assigned for a program with high use frequency.

In regard to claim 33, Muguet discloses "input means enters program data received through television broadcasting and wherein said multiple processes include the selection of a channel whereat said program data are included" (See Col 13, Lines 4-44).

In regard to claim 34, Muguet discloses that the code contains the channel number.

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In regard to claim 35, Muguet discloses that the process other than the "specific process" is for recording (See Col 4, Lines 36-39).

In regard to claim 36, Muguet discloses digital TV broadcasting. "One or several digital broadcast center (11); the data broadcast could be done while a TV or radio program is being broadcast or on a dedicated channel. The broadcast could be done over the air or over cables. One digital broadcast could be enough; for terrestrial TV emitters, a popular technique is to broadcast data during the blanking interval. On the same data broadcast resource, it is possible by time or packet multiplexing to put in several data channels. The channel (U) can be within a dedicated data channel, or within a video or radio channel" (Col 9, Lines 9-19).

Claim 38 is met by that discussed above for claim 24.

In regard to claim 39, Muguet discloses display means as Figure 1, Item 32.

In regard to claim 42, Muguet discloses that the user may search the database for a program of interest. "After a user has accessed the computer center (1), the user tells the computer center (1) that he wants to read the titles, and/or other information about the program scheduled to be recorded by his videorecorder (6). Then the computer center sends the interrogation codes, over the network (2) to the interface (5). The interface (5) then could read the (d) codes stored in the memories of the timer (7). Another way is to make the timer (7) display the data and to catch the (d) display data" (Col 5, Lines 45-54).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 8-13, 15, 29 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muguet.

In regard to claims 6 and 29, Muguet fails to explicitly disclose the allocating different codes for the processes within a certain amount of time. However, the examiner takes Official Notice that it is notoriously well known in the art to implement unique codes with respect to processes so as to avoid system conflicts. Consequently, it would have been obvious to one of ordinary skill in the art to implement Muguet with the allocating different codes for the processes within a certain amount of time for the stated advantage.

In regard to claims 8-10 and 31-32, Muguet fails to explicitly disclose that the user may input the code manually. However, the examiner takes Official Notice that it is notoriously well known in the art to user may input a code manually where the code represent a channel number and the corresponding process is the channel change so as to allow the user to view a channel of interest. Consequently, it would have been obvious to one of ordinary skill in the art to modify Muguet so that the user may input the code manually for the stated advantage.

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In regard to claim 15, Muguet fails to explicitly disclose receiving data in a markup language. However, the examiner takes Official Notice that it is notoriously well known in the art to receive data in a markup language so as to take advantage of the systematic organizational structure of the language. Consequently, it would have been obvious to one of ordinary skill in the art to implement Muguet with for the stated advantage.

In regard to claim 11, Muguet discloses "input means enters program data received through television broadcasting and wherein said multiple processes include the selection of a channel whereat said program data are included" (See Col 13, Lines 4-44).

In regard to claim 12, Muguet discloses that the code contains the channel number.

In regard to claim 13, Muguet discloses that the process other than the "specific process" is for recording (See Col 4, Lines 36-39).

5. Claims 14 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muguet in view of Medvinsky (US Pat App Pub No 2004/0194124).

In regard to claims 14 and 37, Muguet fails to explicitly disclose receiving and displaying email data. Medvinsky discloses disclose receiving and displaying email data so as allow the user to use the set top box for personal computer tasks (Paragraph 0024). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Muguet to receive and display email data for the stated advantage.

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6. Claims 16-17, 21-22, 40-41 and 43-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muguet in view of Sullivan (US Pat No. 6,591,421).

In regard to claims 16-17, 21, 40, Muguet fails to explicitly disclose the outputting of code information to a printer. Sullivan teaches outputting EPG information to a printer so as to provide the use with another form of output (Col 3, Lines 62-67; Col 4, Lines 1-6). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Muguet to output system information so as to so as to provide the use with another form of output.

In regard to claims 22, 41, 49-50 and 52-53, the aforementioned combined teaching fails to explicitly disclose the use printing at a predetermined time and means for manually setting the predetermined time as claimed. However, the examiner gives Official Notice that it is notoriously well known in the art to use predetermined printing times and providing means for manually setting the predetermined time so as to allow the user to print information on a regular basis for convenience. Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement the combined teaching with predetermined printing times and means for manually setting the predetermined so as to allow the user to print information on a regular basis for convenience.

In regard to claim 43, the recited limitations are my by that discussed for claim 1 except, Muguet fails to explicitly disclose the outputting of code information to a printer. Sullivan teaches outputting EPG information to a printer so as to provide the use with another form of output (Col 3, Lines 62-67; Col 4, Lines 1-6). Accordingly, it would have

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been obvious to one of ordinary skill in the art at the time of the invention to modify Muguet to output system information so as to so as to provide the use with another form of output.

In regard to claim 44, the Muguet discloses that the codes change from program to program and with time (See Col 5, Lines 10-15).

In regard to claim 45, the disclosed set of codes defines the channel and the start and stop time of recording. The tune-to channel is the specific process and the start and stop time of recording is the process other than the specific process.

In regard to claims 46 and 47, the aforementioned combined teaching fails to explicitly disclose that the user may input the code manually. However, the examiner takes Official Notice that it is notoriously well known in the art to user may input a code manually where the code represent a channel number and the corresponding process is the channel change so as to allow the user to view a channel of interest. Consequently, it would have been obvious to one of ordinary skill in the art to modify the combined teaching so that the user may input the code manually for the stated advantage.

In regard to claim 48, Muguet discloses that the process other than the "specific process" is for recording (See Col 4, Lines 36-39).

In regard to claim 51, the recited limitations are my by that discussed for claim 1 except, Muguet fails to explicitly disclose the outputting of code information to a printer. Sullivan teaches outputting EPG information to a printer so as to provide the use with another form of output (Col 3, Lines 62-67; Col 4, Lines 1-6). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify

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Muguet to output system information so as to so as to provide the use with another form of output.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 571-272-7352. The examiner can normally be reached on M-F: 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM
December 11, 2005


JOHN MILLER
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